

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779

Chapter 7

Dennis E. Hecker,

Debtor.

**NOTICE OF HEARING AND MOTION AUTHORIZING
ORDER FOR RULE 2004 EXAMINATIONS**

TO: ENTITIES SPECIFIED IN LOCAL RULE 9013-3

1. Randall L. Seaver, the Chapter 7 Trustee of the above-captioned bankruptcy estate ("**Trustee**"), applies to the court for authorization to conduct Bankruptcy Rule 2004 examinations. The examinations for which authorization is sought are those of Cornerstone Bank, Cornerstone Holding Company, Inc., Blackstone Financial Corporation, Brent Olson and Richard Olson.

2. The Court will hold a hearing on this motion at 2:00 p.m. on December 9, 2009, in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than December 4, 2009 which is three days before the time set for the hearing (excluding Saturdays, Sundays and holidays), or filed and served by mail not later than November 30, 2009 which is seven days before the time set for the hearing (excluding Saturdays, Sundays and holidays).

UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This case was commenced by the filing of a voluntary petition under Chapter 7 on June 4, 2009. The case is currently pending in this Court. This court has jurisdiction over this application pursuant to 28 U.S.C. §157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1.

This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004. This Application is filed under Local Rule 2004-1(a).

5. Richard Olson, Brett Olson and the Debtor are the three shareholders in Waterfront Properties of AZ, LLC. Through that entity, Richard Olson, Brent Olson and Dennis Hecker own a residential property located in Arizona. It appears that Richard Olson and Brent Olson are two of the three shareholders of Cornerstone Financial, Inc. It appears that Cornerstone Financial, Inc., is the holding company of Cornerstone Bank. It appears that in May, 2008, Cornerstone Bank made a \$3,000,000 loan to Rosedale Dodge, Inc. It appears that the Debtor may have signed a later renewal or renewals of the original \$3,000,000 note. On January 19, 2009, Cornerstone Bank filed a financing statement in Minnesota perfecting an interest in various assets of the Debtor. According to documents filed with the Court, Cornerstone Bank assigned the \$3 million Hecker obligation and security interest to Cornerstone Financial, Inc. and Cornerstone Financial, Inc., then assigned it to Blackstone Financial Corporation.

6. The individuals and entities for which Rule 2004 discovery examination authorization is sought are believed to have information relating to the Debtor's financial affairs. The connections and information of those individuals and entities known by the Trustee at this time are as follows:

- a. Richard Olson;
- b. Cornerstone Bank;
- c. Cornerstone Financial, Inc.;
- d. Blackstone Financial Corporation; and,
- e. Brent Olson.

7. The Trustee needs to obtain information from the above individuals and entities so that he can determine the assets of this bankruptcy estate and administer the estate.

WHEREFORE, the Trustee requests that the court enter an order approving the Trustee's examination, pursuant to Bankruptcy Rule 2004, of Cornerstone Bank, Cornerstone Holding Company, Inc., Blackstone Financial Corporation, Brent Olson and Richard Olson.

**LEONARD, O'BRIEN, SPENCER,
GALE & SAYRE, LTD.**

Dated: November 24, 2009

/e/ Matthew R. Burton
By: _____
Matthew R. Burton
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

Attorneys for Randall L. Seaver, Trustee

VERIFICATION

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker named in the foregoing Notice of Hearing and Motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on November 24, 2009

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 09-50779

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Chapter 7

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UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2009, I caused the following documents:

***Notice of Hearing and Motion for Order Authorizing Rule 2004 Examinations and
Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

SEE ATTACHED SERVICE LIST

Dated: November 24, 2009

/e/ Stephanie Wood

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

DENNIS E. HECKER
BKY CASE NO.: 09-50779
SERVICE LIST

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779
Chapter 7

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Debtor.

ORDER FOR RULE 2004 EXAMINATIONS

Randall L. Seaver, the Trustee in the above-entitled matter has applied for authorization to conduct the examinations of Cornerstone Bank, Cornerstone Holding Company, Inc., Blackstone Financial, Corporation, Brent Olson and Richard Olson pursuant to Bankruptcy Rule 2004(a) and Local Rule 2004-1(a).

IT IS HEREBY ORDERED:

The Trustee's application for authorization to conduct 2004 examinations of Cornerstone Bank, Cornerstone Holding Company, Inc., Blackstone Financial Corporation, Brent Olson and Richard Olson is GRANTED.

Dated: _____

Robert J. Kressel
U.S. Bankruptcy Judge